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PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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To:

SIEMENS MOBILE COMMUNICATIONS SPA
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ALLEMAGNENOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY

(PCT Rule 71.1)

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(day/month/year)

15.02.2006

Applicant's or agent's file reference
2003P1629WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/011873International filing date (day/month/year)
20.10.2004Priority date (day/month/year)
31.10.2003Applicant
SIEMENS MOBILE COMMUNICATIONS S.P.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P16290WO		FOR FURTHER ACTION		See Form PCT/PEA416
International application No. PCT/EP2004/011873		International filing date (day/month/year) 20.10.2004		Priority date (day/month/year) 31.10.2003
International Patent Classification (IPC) or national classification and IPC H04L12/56, H04L29/06				
Applicant SIEMENS MOBILE COMMUNICATIONS S.P.A. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 43 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 04.08.2005		Date of completion of this report 15.02.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Rüschemann, F Telephone No. +49 89 2399-7566 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/011873

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*.

Description, Pages

1-39 received on 06.02.2006 with letter of 03.02.2006

Claims, Numbers

1-8 received on 06.02.2006 with letter of 03.02.2006

Drawings, Sheets

1/10-10/10 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/011873

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	1-8
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

- 1 Reference is made to the following documents:
D1: J.OTT, S. WENGER, N. SATO, C. BURMEISTER, J. REY: "Extended RTP Profile for RTCP-based Feedback (RTP/AVPF); draft-ietf-avt-rtcp-feedback-07.txt" IETF INTERNET-DRAFT, 6 June 2003 (2003-06-06), pages 1-51, XP002276758
D2: T. FRIDMAN, R. CACERES, A. CLARK: "RTP Control Protocol Extended Reports (RTCP XR), draft-ietf-avt-rtcp-report-extns-06.txt" IETF, INTERNET ENGINEERING TASK FORCE ,AUDIO/VIDEO TRANSPORT WORKING GROUP, 19 May 2003 (2003-05-19), XP002276759
- 2 The document D1 is regarded as being the closest prior art to the subject-matter of **claim 1**, and shows (the references in parentheses applying to this document): signalling procedure in wireless networks (abstract) according to the rules of an open communication model foreseen protocol stacks are at the interfaces between network elements, the stacks including hierarchical Layers, whose general meaning is known, listed top-down as: Application, Transport, Data Link, Physical for supporting the playback of streaming services, transmitted by a Service Provider to wireless subscriber/s through the messages of a real-time protocol (page 3, line 16 to line 25) at Transport Layer also including ordinary Receiver Reports feedback to the Service Provider by the subscriber/s at a rate set by default, and said Receiver Reports including measurement values of parameters indicative of the QoS at the subscriber side during the ongoing session, so that the Provider adapts the QoS of the streaming service E2E, accordingly, characterised in that includes the following steps performed at the wireless subscriber side:
a) detecting concurrently with said real-time protocol (page 5, line 1 to line 19; page 8, line 10 to page 9, line 4) if a first condition depending on the measured parameters comes true for indicating that the QoS at the subscriber side is degrading to an attention level, and when this first condition applies, sending, at Data Link Layer, a command to the Transport Layer to switch towards the sending of upgraded Receiver Reports triggered and updated at Data Link Layer at a rate faster than said default one.

The subject-matter of **claim 1** differs from the disclosure of document **D1** in detecting concurrently with the faster signalling if a second condition depending on said measured parameters comes true for indicating that the QoS at the subscriber side is raised over a threshold greater than said attention level, and when this second condition applies, sending, at Data Link Layer, a command to the Transport Layer to reinstate the ordinary receiver reports at the default rate.

The problem to be solved by the present invention may be regarded as to increase the stability and the quality of the communication.

The solution to this problem proposed in **claim 1** of the present application is considered as involving an inventive step as neither document **D2** nor any other document cited in the International Search Report discloses a second threshold for determining whether to switch back to ordinary receiver reports at default rate.

The subject-matter of **claim 1** is therefore new (Article 33(2) PCT) and involves an inventive step (Article 33(3) PCT).

- 3 **Claims 2 to 8** are dependent on claim 1 and as such also meet the requirements of the PCT with respect of novelty and inventive step (Articles 33(2), (3) PCT).
- 4 **Claims 1 to 8** meet the requirements of the PST with respect to industrial applicability (Article 33(4) PCT).